

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DREMEL LANDERS, #530287,

Petitioner,

v.

CASE NO. 10-CV-12147
HONORABLE GEORGE CARAM STEEH

LLOYD RAPELJE,

Respondent.

**ORDER DENYING PETITIONER'S MOTIONS FOR
APPOINTMENT OF COUNSEL AND ORAL ARGUMENT**

Michigan prisoner Dremel Landers ("Petitioner") has filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 asserting that he is incarcerated in violation of his constitutional rights. Respondent has recently filed an answer to the petition and the state court record. Petitioner has until January 24, 2011 to file a reply to that answer. This matter is before the Court on Petitioner's motions for appointment of counsel and oral argument. In support of his motions, Petitioner states that he is unable to afford counsel, that he has limited legal knowledge and law library access, and that the issues in his case are complex.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). "[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir.

1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)).

As noted, Petitioner has submitted his habeas petition and Respondent has recently filed an answer to the petition and the state court record. The Court, however, has yet to review those materials. Accordingly, the Court shall deny Petitioner's requests for appointment of counsel and oral argument pending further review of this case. The Court will bear in mind both requests if, upon further review of the pleadings, the Court determines that appointment of counsel and/or oral argument is necessary. Petitioner need not file additional motions concerning these matters. Accordingly, the Court **DENIES WITHOUT PREJUDICE** Petitioner's motions.

IT IS ORDERED.

Dated: December 15, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 15, 2010, by electronic and/or ordinary mail and to Dremel Landers, St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, MI 48880.

S/Josephine Chaffee
Deputy Clerk